

REMARKS

Claims 1-9 are all the claims pending in the application. Claims 1-5 stand presently rejected under 35 U.S.C. § 102(e) as being anticipated by Weinstein et al (US Patent No. 6,035,020). Further, claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Weinstein. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. In addition, the specification and claim 4 are objected to for the reasons set forth on page 2 of the present Office Action.

By this Amendment, Applicants amend the specification and claims 1-9.

Regarding the statement in the grounds of objection to the specification that a reference is made to a claim on page 1 of the specification, Applicants respectfully note that the reference to claim 1 was removed by Applicants' Preliminary Amendment filed on August 27, 1999.

Further, in view of Applicants' amendments to pages 2 and 3 of the specification and to claim 4 herein, Applicants submit that the objections to the specification and to claim 4 are moot and, thus, respectfully request withdrawal thereof.

Turning now to the claim rejections under §§ 102 and 103, Applicants note that the present application is directed to a telecommunications system having a switching facility and a data concentrator to provide access to the internet.¹

¹ See title of application text

Fig. 1 shows a specific embodiment of the invention, namely an ISDN system having a local switching facility 10, to which a plurality of subscribers, indicated by four subscriber terminals 11, 12, 13, and 14, are connected.² Therein, the subscriber terminal 12 can send and receive data in packet form in accordance with a protocol that is suitable for internet communication.³

A monitoring unit 54 in the switching facility 10 recognizes from the connection setup information that a concentration of the packet data to be transmitted is possible up to a destination unit 80 (data application network adapter DANA) located between a national network provider 20 and an internet service provider 30 (ISP1). The switching facility 10 then switches the B-channel of the subscriber terminal 12 to a concentrator 55 (IFC, Internet Frame Concentrator), which combines all packets received from the subscriber terminal 12 onto one or more concentrating channels 57.⁴

Independent claim 1 is directed to a method of operating a telecommunications system, wherein those packets of a plurality of subscriber channels that are to be sent to the internet are combined onto a single channel.

Original claim 1 is one of the claims presently rejected under 35 U.S.C. § 102(e) in view of the Weinstein reference. Specifically, the grounds of rejection refer to a data call concentrator

² See application text, page 6, last paragraph (which bridges over to page 7)

³ See application text, page 8, first full paragraph

⁴ See application text, page 8, second full paragraph, to page 9, first full paragraph

205 as shown in Fig. 3 of the reference, which allegedly concentrates and directs packets to a router 180 that allegedly merges and routes the data packets to an internet service provider.

Fig. 3 of the Weinstein reference shows a digital bypass system 200, in which data calls from a computer, e.g., PC 122, are diverted to a wideband filter and A/D converter 230, which provide a digitized data line signal to a digital call concentrator 205.⁵ Therein, the data call concentrator 205 of the digital bypass system 200 is connected to a data network 185 through a modem bank 170 and a router or data switch 180.⁶

The operation of the digital bypass system 200 is very similar to that of the analog bypass system 100 shown in Fig. 1 of the reference.⁷ In the analog bypass system 100, a data call concentrator 160, which is also referred to as a director, selects and directs its input signals to available modems 167 from a modem bank 170 connected to the outputs of the data call concentrator or director 160.⁸ Analogously, the concentrator 205 routes and connects a digitized information line signal output of a line card 225 to the modem bank 170 and then to the data switch or router 180.² In the router 180, Internet Protocol (IP) packets are formed to carry traffic to a data service provider 197. In addition to handling IP traffic from the subscriber, the data

⁵ See Weinstein reference, col. 9, ln. 3-12

⁶ See Weinstein reference, col. 9, ln. 49-53

⁷ See Weinstein reference, col. 9, ln. 26-29

⁸ See Weinstein reference, col. 5, ln. 62, to col. 6, ln. 10; emphasis added

² See Weinstein reference, col. 10, ln. 7-16; emphasis added

switch or router 180 also performs TCP/IP packetization if the subscriber is not using IP, including the insertion of a data network address in each IP packet sent out on the data network.¹⁰

However, Applicants submit that neither Weinstein's data call concentrator 205 nor Weinstein's router 180 combine those packets of a plurality of subscriber channels that are to be sent to the internet onto a single channel, as recited in amended independent claim 1. Rather, as noted above, the Weinstein reference merely teaches that the data concentrator 205 selects an available modem 167 from the modem bank 170, and directs or routes a digitized information line signal output of the line card 225 thereto. There is no teaching or suggestion anywhere in the Weinstein reference that packets are combined by the data concentrator or director 205, as recited in claim 1. In fact, as also noted above, the reference teaches that packets are formed *in the router 180* (to carry traffic to the data service provider 197). In other words, the packets are formed in a structure that is arranged *downstream* from the data concentrator or director 205. The reference nowhere teaches or suggests, however, that the router 180 combines the packets formed therein onto a single channel, as recited in claim 1.

For at least these reasons, Applicants submit that amended independent claim 1 is patentable over the prior art made of record.

Independent claim 3 is directed to a telecommunications system having at least one concentrator, which combines packets of two or more subscriber channels to be sent to an

¹⁰ See Weinstein reference, col. 7, ln. 1-28

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internet onto at least one concentrating channel. Thus, Applicants submit that patentability arguments analogous to those presented in connection with the patentability of claim 1 apply to claim 3 with equal force.

Applicants note that the amendments to the independent claims are not narrowing the scope of the claimed invention and that these amendments were not made in order to patentably distinguish the claims over the prior art made of record. Rather, the amendments to the independent claims were merely made so that the claims better conform with traditional US claim drafting conventions.

The dependent claims should be patentable at least by virtue of dependency from their respective independent claims. In addition, as acknowledged by the Examiner, dependent claims 8 and 9 are patentable for independent reasons, as indicated on page 8 of the present Office Action.


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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